



Senate

General Assembly

January Session, 2009

File No. 685

Senate Bill No. 1128

Senate, April 16, 2009

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING INTERRUPTION OF TELECOMMUNICATIONS SERVICE, SCRAP METAL PROCESSORS AND MOTOR VEHICLE RECYCLERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-123 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) A person is guilty of larceny in the second degree when he
4 commits larceny, as defined in section 53a-119, and: (1) The property
5 consists of a motor vehicle, the value of which exceeds five thousand
6 dollars, (2) the value of the property or service exceeds five thousand
7 dollars, (3) the property, regardless of its nature or value, is taken from
8 the person of another, (4) the property is obtained by defrauding a
9 public community, and the value of such property is two thousand
10 dollars or less, [or] (5) the property, regardless of its nature or value, is
11 obtained by embezzlement, false pretenses or false promise and the
12 victim of such larceny is sixty years of age or older or is blind or
13 physically disabled, as defined in section 1-1f, or (6) the property,

14 regardless of its value, consists of wire, cable or other equipment used
15 in the provision of telecommunications service and the taking of such
16 property causes an interruption in the provision of emergency
17 telecommunications service.

18 (b) For purposes of this section, "motor vehicle" means any motor
19 vehicle, construction equipment, agricultural tractor or farm
20 implement or major component part of any of the above. In any
21 prosecution under subdivision (1) of subsection (a) of this section,
22 evidence of (1) forcible entry, (2) forcible removal of ignition, or (3)
23 alteration, mutilation or removal of a vehicle identification number
24 shall be prima facie evidence (A) that the person in control or
25 possession of such motor vehicle knows or should have known that
26 such motor vehicle is stolen, and (B) that such person possesses such
27 motor vehicle with larcenous intent.

28 (c) Larceny in the second degree is a class C felony.

29 Sec. 2. Subsection (a) of section 21-11a of the general statutes is
30 repealed and the following is substituted in lieu thereof (*Effective*
31 *October 1, 2009*):

32 (a) A scrap metal processor, as defined in section 14-67w, shall
33 record, for all loads of scrap metal purchased or received by such
34 processor, a description of such scrap metal, the weight of such metal,
35 the price paid for such metal and the identification of the person who
36 delivered such metal. Such scrap metal processor shall take a
37 photograph of the motor vehicle delivering such scrap metal,
38 including the license plate of such vehicle. Such scrap metal processor
39 shall not be required to segregate scrap metal it receives from other
40 materials on its premises and hold the same for five days except for
41 scrap equipment, wire or cable that could be used in the transmission
42 of telecommunications or data or the transmission or distribution of
43 electricity by an electric distribution company unless purchased from
44 (1) a person registered pursuant to section 29-402 to engage in the
45 business of demolition of buildings, or (2) a person who has already
46 segregated such scrap metal pursuant to this chapter and such person

47 provides such scrap metal processor with a written statement
48 affirming such segregation. Upon receipt of a load of scrap metal
49 which contains wire that could be used in the transmission of
50 telecommunications or data, such scrap metal processor shall take a
51 photograph of the motor vehicle delivering such scrap metal,
52 including the license plate of such vehicle, and of such load of scrap
53 metal containing wire that could be used in the transmission of
54 telecommunications or data. Upon receipt of scrap equipment, wire or
55 cable that could be used in the transmission of telecommunications or
56 data or the transmission or distribution of electricity by an electric
57 distribution company, such scrap metal processor shall make a copy of
58 the certificate of registration of such vehicle, [;] record a description of
59 the material received, [;] and record a statement as to the location from
60 which the material came.

61 Sec. 3. Section 14-67v of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective October 1, 2009*):

63 Any person, or any officer or agent of any firm or corporation, who
64 establishes, operates or maintains a motor vehicle recycler's yard or
65 motor vehicle recycler's business in any location within a restricted
66 district created under the provisions of this subpart (H), or establishes,
67 operates or maintains such yard or business without procuring such
68 certificate of approval from the local authority or establishes, operates
69 or maintains an intermediate processor in violation of any provision of
70 this subpart (H), or transports or hauls any motor vehicle or used parts
71 of a motor vehicle in violation of any provision of this subpart (H) or
72 violates any provision of this subpart (H), shall be fined not more than
73 one hundred dollars or imprisoned not more than ninety days or both.
74 Each day of such establishment, operation or maintenance in violation
75 hereof shall constitute a separate offense. The Commissioner of Motor
76 Vehicles may, after notice and hearing, impose a civil penalty of not
77 more than two thousand dollars on any person, firm or corporation
78 [who] that establishes, operates or maintains such yard or business,
79 uses the title "motor vehicle recycler" or advertises or holds itself out as
80 a motor vehicle recycler without a license. In addition to the penalties

81 herein prescribed, the Commissioner of Motor Vehicles or the local
82 authority, upon a violation of any of the provisions of this subpart (H),
83 may bring an application to the superior court for the judicial district
84 where such yard or business is located to enjoin a further operation or
85 maintenance of such yard or business and to abate the same as a public
86 nuisance. Said court may, upon finding such yard or business has been
87 established, operated or maintained in violation of the provisions of
88 this subpart (H), issue such injunction as it deems equitable and make
89 such order for the discontinuance or abatement of such yard or
90 business as a nuisance as it finds to be necessary, including
91 authorization to the Commissioner of Motor Vehicles to enter such
92 yard or business to eliminate, at the expense of the defendant, the
93 conditions which constitute the violation of any provision of this
94 subpart (H).

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	53a-123
Sec. 2	<i>October 1, 2009</i>	21-11a(a)
Sec. 3	<i>October 1, 2009</i>	14-67v

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Judicial Dpt (Probation); Correction, Dept.	GF - Cost	Potential	Potential
Department of Motor Vehicles	TF - Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund; TF=Transportation Fund

Municipal Impact: None

Explanation

The bill enhances the criminal penalty for taking wire, cable or other telecommunications service equipment and causing an interruption in emergency telecommunications service. Specifically, the bill makes any such theft, regardless of the value of materials taken, a class "C" felony that is punishable by imprisonment for up to 10 years and / or a fine of up to \$10,000.

It is anticipated that few offenses would be prosecuted each year and, consequently, any revenue gain from criminal fines under the bill would be minimal. To the extent that offenders are prosecuted criminally and subsequently convicted or plead guilty, the state could incur a cost associated with incarceration and/or probation supervision in the community. On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$44,165 to incarcerate the offender.

The bill also allows the Department of Motor Vehicles to impose a \$2,000 civil penalty on an unlicensed person, firm, or corporation who (1) uses the title "motor vehicle recycler" or (2) advertises or holds

itself out as a motor vehicle recycler.

The Out Years

The annualized ongoing costs indicated above would continue into the future subject to inflation; the annualized ongoing revenues would remain constant since fine amounts are set by statute.

OLR Bill Analysis**SB 1128*****AN ACT CONCERNING INTERRUPTION OF
TELECOMMUNICATIONS SERVICE, SCRAP METAL
PROCESSORS AND MOTOR VEHICLE RECYCLERS.*****SUMMARY:**

This bill makes changes regarding theft of telecommunications equipment, scrap metal processors, and motor vehicle recyclers.

The bill makes taking wire, cable, or other telecommunications service equipment and causing an interruption in emergency telecommunications service 2nd degree larceny regardless of the value of the property. Thus, it increases the penalty to a class C felony when the value of the wire, cable, or equipment taken is less than \$5,000. Under current law, taking less than \$5,000 of any type of property is punishable as a class D felony or class A, B, or C misdemeanor, depending on the property's value (see BACKGROUND).

The law imposes certain requirements on scrap metal processors when they receive wire that could be used in transmitting telecommunications or data. The bill extends these requirements to (1) scrap equipment or cable that could be used in transmitting telecommunications or data and (2) scrap equipment, wire, or cable that could be used in transmitting or distributing electricity by an electric distribution company. These requirements are:

1. segregating and holding the scrap for five days unless it is from
 (a) a registered business for demolishing buildings or (b)
 someone who already segregated the scrap as required by law
 and provides a written statement and
2. copying the vehicle's registration and recording a description of

the material received and its source.

By law, a scrap metal processor receiving a load of scrap metal must photograph (1) the vehicle delivering the load, including its license plate, and (2) the load of scrap if the scrap metal includes wire that could be used in transmitting telecommunications or data. The bill does not extend the provision on photographing the load of scrap to the new types of scrap equipment, wire, or cable added by the bill to the other requirements.

By law, violations of these provisions are a class C misdemeanor for a first violation, a class B misdemeanor for a second violation, and a class A misdemeanor for a third or subsequent violation.

By law, after notice and a hearing, the Department of Motor Vehicles (DMV) can impose a civil penalty of up to \$2,000 on a person, firm, or corporation who operates a motor vehicle recycler business without a license. The bill also allows DMV to impose this civil penalty on an unlicensed person, firm, or corporation who (1) uses the title "motor vehicle recycler" or (2) advertises or holds itself out as a motor vehicle recycler.

EFFECTIVE DATE: October 1, 2009

BACKGROUND

Larceny

There are six different classifications of larceny, generally depending on the value of the property illegally obtained. The table below displays the six degrees and the penalties.

<i>Degree of Larceny</i>	<i>Amount of Property Involved</i>	<i>Penalty</i>
1 st Degree	Over \$10,000	Class B felony (up to 20 years in prison, a fine of up to \$15,000, or both)
2 nd Degree	Over \$5,000	Class C felony (up to 10 years in prison, a fine of up to

		\$10,000, or both)
3 rd Degree	Over \$1,000	Class D felony (up to five years in prison, a fine of up to \$5,000, or both)
4 th Degree	Over \$500	Class A misdemeanor (up to one year in prison, a fine of up to \$2,000, or both)
5 th Degree	Over \$250	Class B misdemeanor (up to six months in prison, a fine of up to \$1,000, or both)
6 th Degree	\$250 or less	Class C misdemeanor (up to three months in prison, a fine of up to \$500, or both)

Motor Vehicle Recyclers

DMV licenses motor vehicle recyclers and the law places certain requirements on how they conduct their businesses. Violators of these provisions are subject to up to 30 days in prison, a fine of up to \$100, or both and each day in violation is a separate offense. DMV or a local authority can also sue to enjoin further operation of the business and to abate it as a public nuisance.

Related Bill

HB 6576, reported favorably by the Judiciary Committee, would double most of the property values for the six degrees of larceny crimes.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (03/27/2009)